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Paper No. 15

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MONTEREY CA 93940

**MAILED**

**JUL 23 2012**

**OFFICE OF PETITIONS**

In re Patent No. 5,819,082 :  
Issue Date: 10/06/1998 : LETTER  
Application Number: 08/480,618 :  
Filing Date: 06/07/1995 :  
For: DATA STORAGE OPTIMIZATION :  
USING AN ACCESS ORDER RESOURCE :  
LIST :

This is a letter in reference to the paper styled as a petition under 37 CFR 1.378(c),<sup>1</sup> filed on July 3, 2012, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **dismissed** for the reason stated below.

The patent issued on October 6, 1998. The window for payment of the third maintenance fee installment with a surcharge closed on October 6, 2010.

The petition lacks the proper fee required by 37 CFR 1.378(c)(2).

Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable.<sup>2</sup> As such, the petition fee is a prerequisite to the filing of the present petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted. Any request for reconsideration of this petition must be accompanied by the petition fee.

<sup>1</sup> 37 CFR 1.378(c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:

- (1) The required maintenance fee set forth in § 1.20(e) through (g);
- (2) The surcharge set forth in § 1.20(i)(2); and
- (3) A statement that the delay in payment of the maintenance fee was

unintentional.

<sup>2</sup> 37 CFR 1.22(a).

A review of the record reveals that a proper authorization to charge the deposit account listed in petition has not been provided. Specifically, the practitioner who signed the petition form, Bradford C. Blaise, is not listed as an authorized user of Deposit Account No. 01-0051.

A reply to this communication should be submitted within ONE (1) MONTH of receipt of this communication.

The address in the petition is different than the correspondence address. A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop PETITIONS  
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                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:           (571) 273-8300  
                  ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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